

# PROVISION C.3.

## Requirements for New Development and Significant Redevelopment Projects

### Important Dates

#### October 15, 2003

Begin implementation of Post-Construction Treatment Control Measures for the following projects:

- Major Projects that require a permit or other direct approval from the California Regional Water Quality Control Board (Regional Board) including Section 401 certification
- Major Projects that involve land uses of concern (ex. gas stations and auto wrecking yards)

#### October 15, 2004

- Proposed completion date for additional HMP submittals to the Regional Board.

*Upon Regional Board approval of the HMP, Group 1 projects may also be required to comply with the HMP requirements.*

#### February 15, 2005

Begin implementation of Post-Construction Treatment Control Measures for all other Major Projects.

#### April 15, 2005

Begin implementation of Post-Construction Treatment Control Measures for Group 2 Projects.

#### Suggested Resources

Planning Division's Stormwater Management web page has a copy of the revised Policy and other useful links

[www.ci.san-jose.ca.us/planning/sjplan/counter/stormwater/index.htm](http://www.ci.san-jose.ca.us/planning/sjplan/counter/stormwater/index.htm)

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) website has information relevant to the Permit requirements for the City of San Jose and the other co-permittees  
[www.scvurppp.org](http://www.scvurppp.org)

Using Site Design Techniques to Meet Development Standards for Stormwater Quality  
[www.scvurppp-w2k.com/pdfs/0203/c3\\_related\\_info/startatthesource/using\\_sas.pdf](http://www.scvurppp-w2k.com/pdfs/0203/c3_related_info/startatthesource/using_sas.pdf)

California Stormwater Best Management Practice Handbook for New Development and Redevelopment  
[www.cabmphandbooks.com/Development.asp](http://www.cabmphandbooks.com/Development.asp)

On October 7, 2003, the San Jose City Council adopted changes to the *Zoning Ordinance* and the *Post-Construction Urban Runoff Management Policy* (Policy) to conform to Provision C.3. "New Development and Significant Redevelopment Requirements" of the revised National Pollutant Discharge Elimination System (NPDES) Permit of the City of San Jose and 14 other co-permittees from Santa Clara County that have land area which drains to South San Francisco Bay.

Provision C.3. requires incorporation of source control measures, site design principles, and structural stormwater treatment controls in new development and significant redevelopment projects in order to reduce the impacts of stormwater runoff on water quality and beneficial uses.

There are two project categories under Provision C.3. that apply to both public and private projects — Group 1 and Group 2. These groups differ in the size threshold of impervious area and implementation date.

The City's revised Policy refers to Group 1 projects as **Major Projects** and identifies a phased implementation for Group 1 projects.

Project Category	Project Definition
<b>Major Project (also Group 1)</b>	<ul style="list-style-type: none"><li>• Any new development — one acre or more of impervious surface</li><li>• New streets, roads, highways and freeways — one acre or more of impervious surface</li><li>• Significant Redevelopment — addition or replacement of one acre or more of impervious surface on a developed site</li></ul>
<b>Group 2</b>	<i>The City's Policy will be revised in the future to include this project category. Under the NPDES Permit, Group 2 has the same definition as Group 1 except that the size threshold of impervious area is reduced from one acre to 10,000 square feet.</i>
NOTE: On October 15, 2003, the Regional Board approved a request for an alternative project definition that addresses single-family home construction.  Construction of <u>one single-family home</u> , not part of a larger common plan of development, with appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house-associated impervious surfaces, would be in substantial compliance with Provision C.3.	

#### Waiver/Alternative Compliance Program

The City's revised Policy also established a program under which an applicant may request a waiver from the requirement to install structural storm water treatment controls on-site for a given project, upon an appropriate showing of impracticability. However, the project must provide equivalent protection or enhancement of water quality/beneficial uses through one of the Alternative Measures defined in the Policy. The project applicant should contact Planning Division staff for waiver applications.

#### Hydromodification Management Plan (HMP)

Provision C.3.f. of the NPDES Permit requires implementation of the HMP for Group 1 Projects so that post-project runoff shall not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion or other adverse impacts to beneficial uses. Additional work is being done on the HMP. The target date for City Council consideration of the HMP is Fall 2004.

#### Contact Information

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